

UNITED STATES DISTRICT COURT
DISTRICT OF MAINE

ROBERT P. LYNCH,)	
)	
PLAINTIFF)	
)	
v.)	No. 2:11cv70-DBH
)	
JOAN L. CHRISTIE, ET AL.,)	
)	
DEFENDANTS)	

ORDER ON MOTION TO STAY

I denied the defendant Joan L. Christie's special motion to dismiss under Maine's anti-SLAPP statute. Dec. and Order on Mots. to Dismiss (Docket Item 43). Christie has appealed that interlocutory order. Interlocutory Appeal (Docket Item 48); see also Godin v. Schencks, 629 F.3d 79, 85 (1st Cir. 2010) (denial of a special motion to dismiss under Maine's anti-SLAPP statute is immediately appealable). Christie then filed this motion requesting that I stay discovery while her appeal is pending with the Court of Appeals for the First Circuit. Mot. to Stay Proceedings, Including Discovery, Pending Appeal (Docket Item 47). The plaintiff Robert P. Lynch has objected to the stay. Pl.'s Objection to Def.'s Mot. to Stay (Docket Item 51). I **DENY** the stay.

The Maine Anti-SLAPP statute affords for a stay as follows:

All discovery proceedings are stayed upon the filing of the special motion under this section, except that the court, on motion and after a hearing and for good cause shown, may order that specified discovery be conducted. *The stay of discovery remains in effect until notice of entry of the order ruling on the special motion.*

14 M.R.S.A. § 556 (emphasis added). Thus, even if I follow these state procedural provisions, the statute does not provide for an additional stay while the case is on appeal. I have found no Law Court case law concerning extension of the statutory stay through the appeal period. My order made it clear that this was not a close case. Therefore, I see no reason to continue the discovery stay. Moreover, there are two other defendants who have not asserted the anti-SLAPP affirmative defense and have not requested the stay.

Christie is, of course, free to renew her request in the Court of Appeals.

SO ORDERED.

DATED THIS 18TH DAY OF NOVEMBER, 2011

/s/D. Brock Hornby

D. BROCK HORNBY

UNITED STATES DISTRICT JUDGE

**UNITED STATES DISTRICT COURT
DISTRICT OF MAINE (PORTLAND)
CIVIL DOCKET NO. 2:11cv70 (DBH)**

Robert P. Lynch,

Plaintiff

Represented By **Adam J. Shub**
Daniel Rapaport

Holly Russell Jones

Preti, Flaherty, Beliveau, Pachios &
Haley, LLP

P. O. Box 9546

Portland, ME 04112-9546

(207) 791-3077

email: ashub@preti.com

drapaport@preti.com

hjones@preti.com

v.

Joan L. Christie

Defendant

Represented By **Lee H. Bals**

Marcus, Clegg & Mistretta, P.A.

One Canal Plaza, Suite 600

Portland, ME 04101-4102

(207) 828-8000

email: lbals@mcm-law.com

Andrea S. Batchelder

Michael W. Gallagher

Paul Schor

Gallagher & Cavanaugh LLP

Boott Cotton Mills

100 Foot of John Street

Lowell, MA 01852

(978) 452-0522

email: andreab@gcattorneys.com

michaelg@gcattorneys.com

pauls@gcattorneys.com

and

Positive Design, Inc.

and

Steven Schwartz

Defendants

Represented By **Justin W. Andrus**

Law Office of Justin W. Andrus

14 Lincoln Street

Bath, ME 04530

(207) 725-8770

email: justin@justinandrus.com